

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

OCT - 5 2016

David J. Bradley, Clerk

United States of America )  
 v. )  
 Pedro PENA-Mendez ) Case No. *16-1850-M*  
 YOB: 1983 )  
 Mexico )

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 4, 2016 in the county of Starr in the  
Southern District of Texas, the defendant(s) violated:

*Code Section*

21 USC 841  
 21 USC 846  
 8 USC 1326

*Offense Description*

defendant did, knowingly and intentionally possess with the intent to distribute approximately 412 kilograms of marijuana, a Schedule I controlled substance, and did knowingly and intentionally conspire to possess with intent to distribute with persons known and unknown approximately 412 kilograms of marijuana, a Schedule I controlled substance; a native and citizen of the United Mexican States (Mexico), and an alien who had been previously deported from the United States unlawfully found in the United States at in Starr County, Texas.

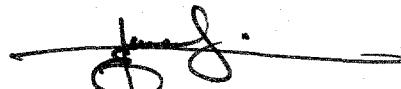
This criminal complaint is based on these facts:

Before the United States Magistrate Judge, Southern District of Texas, I, Antonio Marin, Special Agent, United States Immigration and Customs Enforcement, being duly sworn, depose and say the following:

See Attachment A

Continued on the attached sheet.

*Approved by ASA D.PAXON*  
*10/5/16*



Complainant's signature

Antonio Marin, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/05/2016 8:32 am



Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

Attachment A (1 of 2)

On October 4, 2016, at approximately 2030 hrs, Rio Grande City Border Patrol agents operating electronic surveillance cameras observed several individuals on a boat coming in from the Mexican side of the Rio Grande River into the United States near local and remote border community of Salineño, Texas. This is an area commonly used for smuggling narcotics and smuggling of undocumented aliens along the Rio Grande River.

Surveillance Agents further observed that at the same time the boat was seen, a Chevrolet Avalanche pickup truck was driving towards the same location where the boat was seen along the river on the only access road to the area.

Suspecting the vehicle was on its way to pick up possible undocumented aliens or narcotics, surveillance agents dispatched ground agents in marked U.S Border Patrol units to investigate.

Upon arrival to the area, Border Patrol Agents encountered the Chevrolet Avalanche, who surveillance agents kept in constant visual and actively reported its movements to ground agents, attempting to leave the area. Border Patrol agents conducted a traffic stop to conduct an immigration inspection and further inspect the vehicle.

The driver of the vehicle, later identified as Pedro PENA-Mendez, failed to yield to agents and after a short pursuit, exited the vehicle and attempted to flee from agents on foot. Border Patrol Agents immediately arrested PENA at the scene. PENA's vehicle was inspected and a total of 412 kilograms of marijuana were discovered inside the vehicle.

PENA was arrested and transported to the Border Patrol station for processing.

Homeland Security Investigations (HSI) Special Agent Antonio Marin was notified of PENA-Mendez's arrest and responded to the Border Patrol station to investigate.

PENA-Mendez was read his Miranda Rights in the Spanish Language at his request by HSI Special Agent Antonio Marin. PENA-Mendez stated he understood his Miranda rights and wished to voluntarily provide a statement regarding his arrest and case without the presence of an attorney.

PENA-Mendez stated the following:

PENA-Mendez admitted he was hired by two individuals to transport what he was told were going to be approximately 300 kilograms of marijuana from the Rio Grande River near the small border community of Salineño to an unknown stash house in Roma, Texas for a \$1,500 payment. PENA was provided with the

Attachment A (2 of 2)

Chevrolet pickup by these two unknown individuals and was instructed to pick up the marijuana near the area where he was arrested.

PENA-Mendez further admitted he has previously smuggled narcotics and is a Mexican national illegally present in the United States.

Record checks conducted on PENA-Mendez revealed he is a Mexican national who has been previously ordered removed from the United States to Mexico.

The facts of the case were presented to the AUSAO in McAllen, Texas and PENA-Mendez will be charged with a violation of Title 21 USC 841 and 846, Conspiracy and possession of marijuana with intent to distribute as well as a violation of Title 8 USC 1326, illegal re-entry into the United States after deportation.